

## **REMARKS**

The Examiner has rejected claims 1-44 under 35 U.S.C. 102(b) as being unpatentable over Kehoe 6,231,500 (“Kehoe ‘500”). In response thereto, Applicant has amended independent claims 1, 20, 42, and 44 in order to more particularly point out and distinctly claim the subject matter which Applicant regards as his invention, the amendments distinguishing Applicant’s invention over Kehoe ‘500.

Examiner has rejected claims 45-49 under 103(a) as being unpatentable over Kehoe ‘500 in view of Shames et al. 4,685,448 (“Shames ‘448”). In that Applicant has amended independent claim 44 in order to more particularly point out and distinctly claim the subject matter which Applicant regards as his invention, the referenced dependent claims are patentably distinct from the cited references and are accordingly believed to be allowable.

Because independent claims 1, 20, 42, 43, and 44 are now believed to be allowable in view of the prior art of record, all remaining claims depending therefrom are also believed to be allowable. Allowance of all claims is, therefore, respectfully requested.

As best understood by Applicant, Kehoe ‘500 discloses a biofeedback system for speech disorders, wherein the device incorporates the utilization of only auditory and visual biofeedback mechanisms for assisting an individual reach a target pitch/note via the comparison of user-produced notes/pitches with target notes/pitches, and displaying the results of the comparison via auditory and visual biofeedback, thus permitting the user of the device to more accurately change his/her voice pitch to match the auditory and visual signals and/or pitch of the target note. Applicant respectfully asserts that nowhere in any of the cited references is it taught or otherwise fairly suggested to provide the use of three distinct types of physical outputs and reference comparators for purposes of vocal-pitch training, nor does

any reference teach use of a device or method utilizing triple-biofeedback technology for purposes of vocal-pitch training. As is made clear by Kehoe '500, simultaneous (or near simultaneous) use of only two of referenced biofeedback mechanisms is contemplated. Any disclosure as to a third type of biofeedback is referenced is seemingly clearly stated as an alternative (i.e., a substitution) for use of one of the other biofeedback mechanisms, and is, therefore, notably inferior in use and application to the present Applicant's invention. Thus, none of the references of-record are seen to fairly teach or suggest the use of three nearly simultaneous biofeedback sources/comparators, and Applicant's invention is patentable in view thereof.

In view of the above remarks, Applicant further respectfully asserts that unamended claim 43 is allowable as written and originally submitted, and such action is respectfully requested.

Although independent claim 44 has been amended to more particularly point out and distinctly claim Applicant's invention (which may render the following discussion moot), with regard to the Examiner's assertion regarding claims 45-49 that, "the feature of providing a chamber having a vibratory member in combination with a vocal training device is old and well known for providing an interface that transfers vibration signals from the training device to a user," Applicant respectfully submits that the Examiner has not met his burden. Applicant is not aware that such asserted art exists beyond the references of record in this Application, and, accordingly, cannot fairly meet the Examiner's suggestion to the contrary. Applicant, therefore, respectfully requests that prior art be provided to Applicant in support for the Examiner's assertion, and that Applicant be accorded the non-final opportunity to meet and respond to the applicability of such references.

Applicant respectfully asserts that the cited references do not teach, disclose or fairly suggest Applicant's claimed invention and, thus, allowance of all claims is respectfully requested.

### **CONCLUSION**

The above-made amendments are to form only and thus, no new matter was added. Applicant respectfully believes the above-made amendments now place the Claims and Application in condition for allowance. This Response to Office Action is believed to be a full and complete response to the present Office Action. Should there be any questions or concerns, the Examiner is invited to telephone Applicant's undersigned attorney.

Respectfully submitted,

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